

Your Reference:

Our Reference: CW: BS: mw: 18-09 (FID85162, RAL001-18/19, 12257-00300-000, ID1416879)

Contact: Chris Welch

03 September 2018

Banana Shire Council
Attn: Rentia Robertson
PO Box 412
BILOELA QLD 4715

Dear Sir/Madam

Decision Notice – Approval
(Given under section 63 of the Planning Act 2016)

Application Number: RAL001-18/19
Description: Boundary Realignment (2 lots into 2)
Level of Assessment: Code Assessable
Site Address: 97 CALLIDE STREET, BILOELA
Lot & Plan Details: Lot 22 on SP121319
Lot 23 on SP121319

On 31 August 2018, under delegated authority, the above development application was approved in full subject to conditions. The conditions of this approval are set out in Attachment 1. These conditions are clearly identified to indicate whether the assessment manager or a concurrence agency imposed them.

1. Details of Approval

The following approval is given:

	Planning Regulation 2017 reference	Development Permit	Preliminary Approval
Making a Material Change of Use assessable under the planning scheme		<input type="checkbox"/>	<input type="checkbox"/>
Reconfiguring a Lot		<input checked="" type="checkbox"/>	<input type="checkbox"/>

2. Approved Plans

The approved plans for this development approval are listed in the following table:

Drawing Title	Prepared By	Date	Reference No.	Version /Issue
Proposed New Boundary (General Area)	Banana Shire Council	22/11/2017	1 of 2	-
Proposed New Boundary (General Area)	Banana Shire Council	22/11/2017	2 of 2	-

3. Further Development Permits

Please be advised that the following development permits are required to be obtained before the development can be carried out:

- Operational Works

4. Conflict with relevant instrument and reasons for the decision despite the conflict.

The assessment manager does not consider that the assessment manager's decision conflicts with a relevant instrument.

5. Submissions

Not applicable (Public Notification not required)

6. Referral Agencies

The referral agencies for this application were:

Name of referral agency	Advice agency or concurrence agency	Referral Basis	Address
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 1, Column 2, (b) part of the lot is within 100m of a substation site	Powerlink PO Box 1193 VIRGINIA QLD 4014
The Chief Executive Officer of the entity	Advice	Schedule 10, Part 9, Division 2, Table 1, Column 2, (b) part of the lot is within 100m of a substation site	Ergon Energy PO Box 264 FORITUDE VALLEY QLD 4006

7. Currency Period for the Approval

This development approval will lapse at the end of the period set out in section 85 of the *Planning Act 2016*.

8. Statement of Reasons

Description of the development	The approved development is for reconfiguring a lot (2 into 2) boundary realignment.
Assessment Benchmarks	Town Zone Code Reconfiguring a Lot Code Development Standards Code House Code Economic Resources Overlay Code - Agricultural Land Class Overlay Major Utilities Overlay Code - Electricity Transmission Lone Overlay
Reasons for Decision	<p><u>Town Zone Code</u> The approved development complies with the relevant overall outcomes sought for the Town - Industrial Precinct and performance outcomes of the Code. The development will not compromise the ability of the site to accommodate future preferred uses, or prejudice existing or future preferred uses on similarly zoned adjoining land form occurring. Condition of approval have been applied to ensure compliance with overall outcome 'C', relating to the provision of urban standard services being provided for the land.</p> <p><u>Reconfiguring a Lot Code</u> The approved development complies with the relevant overall outcome and performance outcomes relating to the realignment of boundaries. Specifically, the development will ensure the common boundary for the subject site is rationalised to improve the usability of the land for current and preferred uses. Further, both approved lots meet the minimum lot size prescribed for the zone, being 800m².</p>

Development Standards Code

The approved development complies with the overall outcomes and performance outcomes of the code, although many relate to development being for Material Change of Use. The status quo with respect to the provision of services and access to the site will be maintained as the proposal simply relates to the rearrangement of a boundary. The upgrade of services to the site, aside from ensuring each resulting lot has separate reticulated service connection points (conditions of approval applied to this effect), can be addressed as part of subsequent material change of use development.

House Code

The house code is of no consequence to the proposed development as the proposal relates to Reconfiguring a Lot.

Economic Resources Overlay Code – Agricultural Land Class Overlay

The approved development complies with the overall outcomes and performance outcomes of the Code, although many are not deemed relevant. The reason being that it is reasonable to suggest that the land is not '*productive agricultural land*', being the land sought to be protected by the Code.

Major Utilities Overlay Code – Electricity Transmission Line Overlay

The development is deemed to comply with the overall outcomes and performances outcomes of the Code on the basis that the proposal does not compromise the integrity of the infrastructure, being only for a boundary realignment. Further, the approved development does not result in the introduction of incompatible land uses that would compromise the existing infrastructure or prejudice the ability of future electricity infrastructure to be provided or augmented.

Matters Prescribed by a Regulation	<p>The <i>Central Queensland Regional Plan 2013</i>, to the extent the Regional Plan is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;</p> <p>The <i>State Planning Policy (SPP) July 2017</i>, to the extent the SPP is not identified in the Planning Scheme as being appropriately reflected in the Planning Scheme;</p> <p>Any development approval for, and any lawful use of, the premises or adjacent premises; and</p> <p>The common material</p>
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9. Appeal rights

The rights of an applicant to appeal to a tribunal or the Planning and Environment Court against a decision about a development application are set out in chapter 6, part 1 of the Planning Act 2016. For particular applications, there may also be a right to make an application for a declaration by a tribunal (see chapter 6, part 2 of the Planning Act 2016).

Appeal by an applicant

An applicant for a development application may appeal to the Planning and Environment Court against the following:

- the refusal of all or part of the development application
- a provision of the development approval
- the decision to give a preliminary approval when a development permit was applied for
- a deemed refusal of the development application.

An applicant may also have a right to appeal to the Development tribunal. For more information, see schedule 1 of the Planning Act 2016.

Appeal by a submitter

A submitter for a development application may appeal to the Planning and Environment Court against:

- any part of the development application for the development approval that required impact assessment
- a variation request.

The timeframes for starting an appeal in the Planning and Environment Court are set out in section 229 of the Planning Act 2016.

Attachment 2 is an extract from the Planning Act 2016 that sets down the applicant's appeal rights and the appeal rights of a submitter.

The Planning and Environment Court appeals database lists all the appeals lodged in the Planning and Environment Court since 15 March 2008, which the department has been notified of. It contains information about the appeal, including the appeal number, site address, local government area, and a copy of the appeal notice, including grounds for the appeal. The appeal database is an easy way for anyone to obtain information about an appeal or check if an appeal has been lodged for a specific development application or approval.

The appeal database is available at <https://planning.dsdmip.qld.gov.au/planning/our-planning-system/dispute-resolution>.

Should you require further assistance in relation to this matter, please do not hesitate to contact Council's Development Services section on (07) 4992 9500, quoting you application number of RAL001-18/19.

Yours Sincerely



Chris Welch
ACTING DIRECTOR COUNCIL SERVICES

CC All Referral Agencies (both advice and concurrence)

Ergon Energy
townplanning@ergon.com.au

Powerlink
PO Box 1193
Virginia QLD 4014

Enc Attachment 1 – Part A Conditions imposed by the Assessment Manager
Attachment 1 – Part B Assessment Manager Notes
Attachment 1 – Part C Conditions imposed by Powerlink & Ergon Energy
Attachment 2 – Appeal Rights
Attachment 3 – Approved Drawings
Attachment 4 – Environmental Obligations

RAL001-18/19 Attachment 1

Part A - Conditions imposed by the Assessment Manager

General

- 1 The reconfiguration is to be completed generally in accordance with the following approved plans, as attached to this Decision Notice, except where modified by the conditions below:

Drawing Title	Prepared By	Date	Reference No.	Version/Issue
Proposed New Boundary (General Area)	Banana Shire Council	22/11/2017	1 of 2	-
Proposed New Boundary (General Area)	Banana Shire Council	22/11/2017	2 of 2	-

- 2 Submit to Council a Survey Plan for endorsement, in accordance with the approved plan except where modified to comply with the conditions of approval. Council will not endorse or release the Survey Plan for this development until such time as:
- (a) All conditions attached to this development approval for Reconfiguring a Lot have been fully satisfied; and
 - (b) A statement demonstrating compliance with all conditions attached to this development approval have been submitted to Council; and
 - (c) All outstanding rates and charges relating to the site have been paid.
- 3 Complete all associated works, including any relocation or installation of services, at no cost to Council.

Electricity and Telecommunications

- 4 Separate electricity and telecommunication connections must be provided to each lot within the proposed development to the standards of the relevant authorities.
- 5 Evidence must be provided of a certificate of supply with the relevant service providers to each lot with live electricity and telecommunication connections, in accordance with the requirements of the relevant authorities.

Water and Sewerage

- 6** All lots within the development must be connected to Council's reticulated water and sewerage network.
- 7** Each lot must be provided with its own separate sewerage connection point, located wholly within the respective property boundary.
- 8** All water and sewerage works must be designed and constructed in accordance with the approved plans, *Capricorn Municipal Development Guidelines, Water Supply (Safety and Reliability) Act 2008, Plumbing and Drainage Act 2002* and the provisions of a Development Permit for Operational Work.

RAL001-18/19 Attachment 1

Part B – Assessment Manager Notes

- A. Please note the advice surrounding the applicants 'Environmental Obligations' contained in an attachment to the Decision Notice.
- B. The approved development must also comply with Council's current Local Laws under the Local Government Act 2009.
- C. All works required pursuant to these conditions shall be undertaken and completed in accordance with Council's Standards (Capricorn Municipal Development Guidelines) at the Applicant's expense.
- D. In carrying out the activity or works associated with the development, all reasonable and practical measures are to be taken to minimise releases and the likelihood of releases of contaminants to the environment, except as otherwise provided by the conditions of this development approval.

Cultural Heritage

- E. This development approval does not authorise any activity that may harm Aboriginal cultural heritage. Under the *Aboriginal Cultural Heritage Act 2003* you have a duty of care in relation to such heritage. Section 23(1) provides that "A person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage." Council does not warrant that the approved development avoids affecting Aboriginal cultural heritage. It may therefore be prudent for you to carry out searches, consultation, or a cultural heritage assessment to ascertain the presence or otherwise of Aboriginal cultural heritage. The Act and the associated duty of care guidelines explain your obligations in more detail and should be consulted before proceeding.

Pest management

- F. All declared plants within the site must be treated as required by the provisions of the *Land Protection (Pest and Stock Route Management) Act 2002*, prior to the commencement of the approved use.

RAL001-18/19 Attachment 1

Part C - Conditions imposed by the Powerlink & Ergon Energy



23 July 2018

Our Ref: DA2994

The Chief Executive Officer
Banana Shire Council
PO Box 412
BILOELA QLD 4715
Attention: Rentia Roberston

Via Email: enquiries@banana.qld.gov.au
Ref: RAL001-18/19

Dear Sir / Madam

Referral Agency Response (Advice)

(Given under section 9.2 of the Development Assessment Rules)

Transmission Infrastructure Impacted	
Transmission Corridor	Biloela Substation Biloela Tee Connection 132kV Transmission Line Corridor
Easement ID	Wayleave Agreement
Location Details	
Street address	97 Callide Street, Biloela
Real property description	Lot 22 & Lot 23 on SP121319
Local government area	Banana Shire Council
Application Details	
Proposed development:	Material Change of Use and Reconfiguring of a Lot – Boundary Realignment (2 Lots into 2)
Approval sought	Development Permit

We refer to the above referenced development application which has been referred to Powerlink Queensland in accordance with Section 54 of the *Planning Act 2016*.

In accordance with its jurisdiction under Schedule 10 Part 9 Division 2 of the *Planning Regulation 2016*, Powerlink Queensland is a **Referral Agency (Advice)** for the above development application.

Specifically, the application has been triggered for assessment by Powerlink Queensland because:

1. For **material change of use** – all of part of the premises are within 100m of a transmission substation site (Table 2 1a)
2. For **reconfiguring a lot** – part of the lot is within 100m of a transmission substation site (Table 1 1b)

33 Harold Street, Virginia
PO Box 1193, Virginia, Queensland 4014, Australia
Telephone: (07) 3860 2111 Facsimile: (07) 3860 2100
Website: www.powerlink.com.au

PLANS AND REPORTS ASSESSED

The following plans and reports have been reviewed by Powerlink Queensland and form the basis of our assessment. Any variation to these plans and reports may require amendment of our advice.

Table 1: Plans and Reports upon which the assessment is based

Job No.	Prepared by	Dated
Proposed New Boundary Plan	Banana Shire Council	22/11/ 2017

Powerlink Queensland, acting as a Referral Agency (Advice) under the Planning Regulation 2017 provides its response to the application as attached (**Attachment 1**).

For further information please contact Kerrie Guyatt, Property Services Advisor, on (07) 3866 1313 or via email property@powerlink.com.au who will be pleased to assist.

Yours sincerely



Brandon Kingwill
MANAGER PROPERTY

ATTACHMENT 1 – REFERRAL AGENCY (ADVICE) RESPONSE

Powerlink Queensland supports this application subject to the inclusion of the following conditions in the Assessment Manager's Decision Notice.

No.	Condition	Timing	Reason
1	Compliance with the terms and conditions of the easement dealing no's. shown in the heading of this letter	At all times.	To ensure that the existing rights contained in the registered easement dealings are maintained.
2	Compliance with the generic requirements in respect to proposed works in the vicinity of Powerlink Queensland infrastructure as detailed in the enclosed Annexure "A".	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met. To ensure the integrity of the easement is maintained.
3	The development must be carried out generally in accordance with the reviewed plans details in Table 1.	At all times.	To ensure that the development is carried out generally in accordance with the plans of development submitted with the application
4	The statutory clearance set the <i>Electrical Safety Regulation 2013</i> must be maintained during construction and operation. No encroachment within the statutory clearances is permitted.	At all times.	To ensure that the purpose of the <i>Electrical Safety Act 2002</i> is achieved and electrical safety requirements are met.

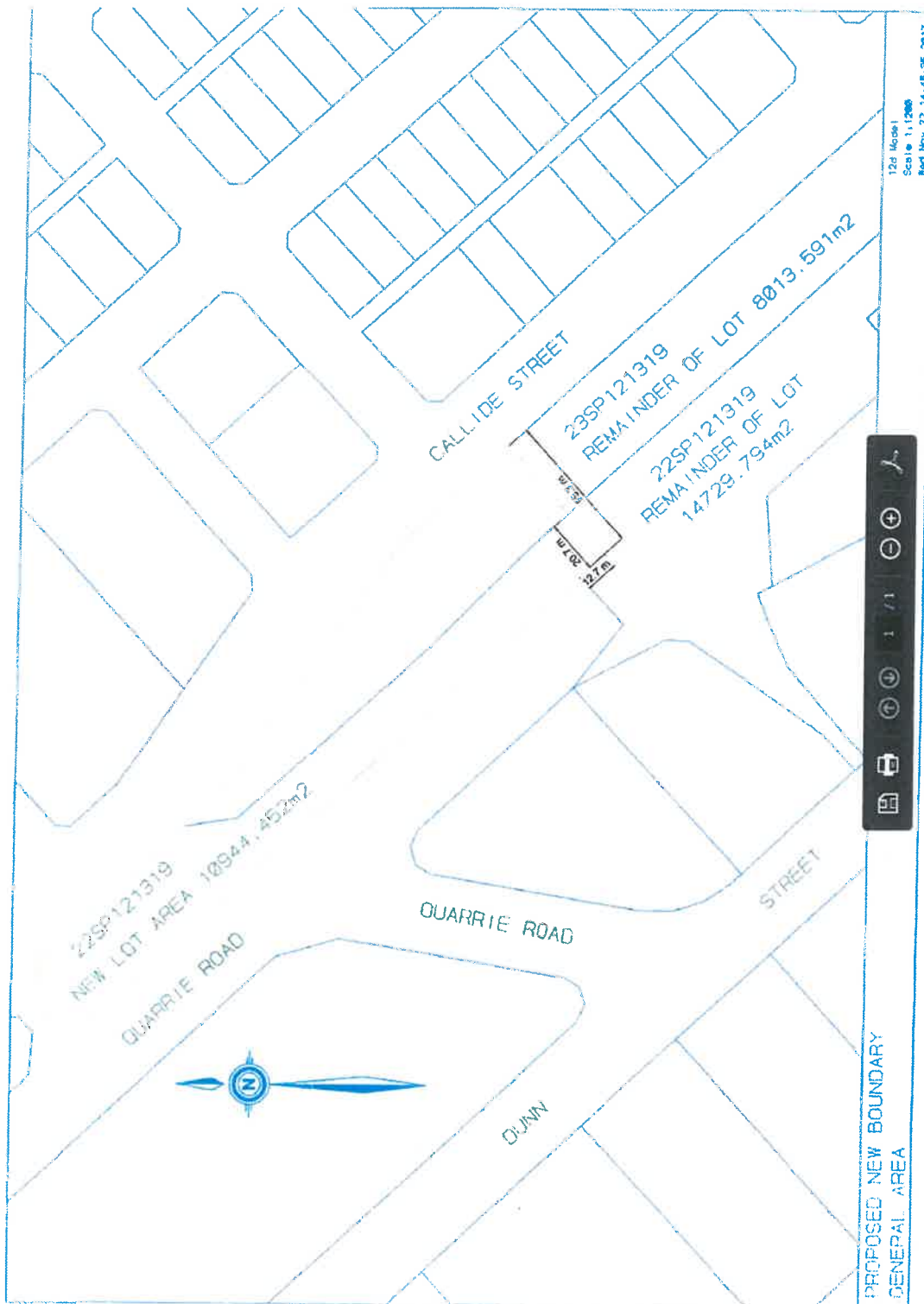
Advice to Council and the Applicant

1. We draw your attention to the obligations & requirements of the *Electrical Safety Act 2002* and the safety exclusion zones prescribed by the *Electrical Safety Regulations 2013* based on the voltage of the transmission line.

In respect to this application the exclusion zone for untrained persons and for operating plant operated by untrained persons is **3 metres from the 132,000-volt wires** and exposed electrical parts.

Should any doubt exist in maintaining the prescribed clearance to the conductors and electrical infrastructure, then the applicant is obliged under this Act to seek advice from Powerlink Queensland.

ATTACHMENT 2 – ASSESSED PLAN



ATTACHMENT 3 – ANNEXURE A**ANNEXURE A – GENERIC REQUIREMENTS**

The conditions contained in this Annexure have been compiled to assist persons (the applicant) intending to undertake work within the vicinity of high-voltage electrical installations and infrastructure owned or operated by Powerlink. The conditions are supplementary to the provisions of the Electrical Safety Act 2002, Electrical Safety Regulation 2013 and the Terms and Conditions of Registered Easements and other forms of Occupational Agreements hereinafter collectively referred to as the “Easement”. Where any inconsistency exists between this Annexure and the Easement, the Easement shall take precedence.

1. POWERLINK INFRASTRUCTURE

You may not do any act or thing which jeopardises the foundations, ground anchorages, supports, towers or poles, including (without limitation) inundate or place, excavate or remove any soil, sand or gravel within a distance of twenty (20) metres surrounding the base of any tower, pole, foundation, ground anchorage or support.

2. STRUCTURES

No structures should be placed within twenty (20) metres of any part of a tower or structure foundation or within 5m of the conductor shadow area. Any structures on the easement require prior written consent from Powerlink.

3. EXCLUSION ZONES

Exclusion zones for operating plant are defined in Schedule 2 of the Electrical Safety Regulation 2013 for Untrained Persons. All Powerlink infrastructure should be regarded as “electrically live” and therefore potentially dangerous at all times.

In particular your attention is drawn to Schedule 2 of the Electrical Safety Regulation 2013 which defines exclusion zones for untrained persons in charge of operating plant or equipment in the vicinity of electrical facilities. If any doubt exists in meeting the prescribed clearance distances from the conductors, the applicant is obliged under this Act to seek advice from Powerlink.

4. ACCESS AND EGRESS

Powerlink shall at all times retain the right to unobstructed access to and egress from its infrastructure. Typically, access shall be by 4WD vehicle.

5. APPROVALS (ADDITIONAL)

Powerlink’s consent to the proposal does not relieve the applicant from obtaining statutory, landowner or shire/local authority approvals.

6. MACHINERY

All mechanical equipment proposed for use within the easement must not infringe the exclusion zones prescribed in Schedule 2 of the Electrical Safety Regulation 2013. All operators of machinery, plant or equipment within the easement must be made aware of the presence of live high-voltage overhead wires. It is recommended that all persons entering the Easement be advised of the presence of the conductors as part of on site workplace safety inductions. The use of warning signs is also recommended.

ATTACHMENT 3 – ANNEXURE A**7. EASEMENTS**

All terms and conditions of the easement are to be observed. Note that the easement takes precedence over all subsequent registered easement documents. Copies of the easement together with the plan of the Easement can be purchased from the Department of Environment & Resource Management.

8. EXPENDITURE AND COST RECOVERY

Should Powerlink incur costs as a result of the applicant's proposal, all costs shall be recovered from the applicant.

Where Powerlink expects such costs to be in excess of \$10 000.00, advanced payments may be requested.

9. EXPLOSIVES

Blasting within the vicinity (500 metres) of Powerlink infrastructure must comply with AS 2187. Proposed blasting within 100 metres of Powerlink infrastructure must be referred to Powerlink for a detailed assessment.

10. BURNING OFF OR THE LIGHTING OF FIRES

We strongly recommend that fires not be lit or permitted to burn within the transmission line corridor and in the vicinity of any electrical infrastructure placed on the land. Due to safety risks Powerlink's written approval should be sought.

11. GROUND LEVEL VARIATIONS**Overhead Conductors**

Changes in ground level must not reduce statutory ground to conductor clearance distances as prescribed by the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

Underground Cables

Any change to the ground level above installed underground cable is not permitted without express written agreement of Powerlink.

12. VEGETATION

Vegetation planted within an easement must not exceed 3.5 metres in height when fully matured. Powerlink reserves the right to remove vegetation to ensure the safe operation of the transmission line and, where necessary, to maintain access to infrastructure.

13. INDEMNITY

Any use of the Easement by the applicant in a way which is not permitted under the easement and which is not strictly in accordance with Powerlink's prior written approval is an unauthorised use. Powerlink is not liable for personal injury or death or for property loss or damage resulting from unauthorised use. If other parties make damage claims against Powerlink as a result of unauthorised use then Powerlink reserves the right to recover those damages from the applicant.

ATTACHMENT 3 – ANNEXURE A

14. INTERFERENCE

The applicant's attention is drawn to s.230 of the Electricity Act 1994 (the "Act"), which provides that a person must not wilfully, and unlawfully interfere with an electricity entity's works. "Works" are defined in s.12 (1) of the Act. The maximum penalty for breach of s.230 of the Act is a fine equal to 40 penalty units or up to 6 months imprisonment.

15. REMEDIAL ACTION

Should remedial action be necessary by Powerlink as a result of the proposal, the applicant will be liable for all costs incurred.

16. OWNERS USE OF LAND

The owner may use the easement land for any lawful purpose consistent with the terms of the registered easement; the conditions contained herein, the Electrical Safety Act 2002 and the Electrical Safety Regulation 2013.

17. ELECTRIC AND MAGNETIC FIELDS

Electric and Magnetic Fields (EMF) occur everywhere electricity is used (e.g. in homes and offices) as well as where electricity is transported (electricity networks).

Powerlink recognises that there is community interest about Electric and Magnetic Fields. We rely on expert advice on this matter from recognised health authorities in Australia and around the world. In Australia, the Federal Government agency charged with responsibility for regulation of EMFs is the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). ARPANSA's *Fact Sheet – Magnetic and Electric Fields from Power Lines*, concludes:

"On balance, the scientific evidence does not indicate that exposure to 50Hz EMF's found around the home, the office or near powerlines is a hazard to human health."

Whilst there is no scientifically proven causal link between EMF and human health, Powerlink nevertheless follows an approach of "*prudent avoidance*" in the design and siting of new powerlines. This includes seeking to locate new powerline easements away from houses, schools and other buildings, where it is practical to do so and the added cost is modest.

The level of EMF decreases rapidly with distance from the source. EMF readings at the edge of a typical Powerlink easement are generally similar to those encountered by people in their daily activities at home or at work. And in the case of most Powerlink lines, at about 100 metres from the line, the EMF level is so small that it cannot be measured.

Powerlink is a member of the ENA's EMF Committee that monitors and compiles up-to-date information about EMF on behalf of all electricity network businesses in Australia. This includes subscribing to an international monitoring service that keeps the industry informed about any new developments regarding EMF such as new research studies, literature and research reviews, publications, and conferences.

We encourage community members with an interest in EMF to visit ARPANSA's website:

www.arpansa.gov.au Information on EMF is also available on the ENA's website:

www.ena.asn.au



420 Flinders Street, Townsville QLD 4810
PO Box 1090, Townsville QLD 4810
ergon.com.au

23 July 2018

Banana Shire Council
enquiries@banana.qld.gov.au

Attention: Rentia Robertson

Dear Rentia,

Development Application – Reconfiguration of a Lot – Boundary Realignment (2 lots into 2 lots) located at 97 Callide Street, Biloela described as Lot 22 on SP121319 and Lot 23 on SP121319.

Council Ref: RAL001-18/19

Our Ref: HBD 6253602

We refer to the above referenced Development Application which has been referred to Ergon Energy in accordance with the *Planning Act 2016*.

In accordance with Schedule 10, Part 9, Division 2 of the *Planning Regulation 2017*, the application has been assessed against the purposes of the *Electricity Act 1994* and the *Electrical Safety Act 2002*. This response has been provided pursuant to the requirements of section 56(1) of the *Planning Act 2016*.

Should the Assessment Manager decide to approve the proposed Reconfiguration of a Lot – Boundary Realignment (2 lots into 2 lots), as an Advice Agency for the Application, Ergon Energy requires that the Assessment Manager impose the following conditions:

1. This application is approved in accordance with the below referenced plans. Any alterations to these plans before the development application is decided are to be resubmitted to Ergon Energy for comment:

Approved Plans			
Title	Plan Number	Issue	Date
Proposed New Boundary – General Area Plan	-	-	22.11.17

Should you require any further information on the above matter, please contact Ben Setchfield on (07) 3664 5057.

Yours faithfully,

Ben Setchfield
Town Planner

Attachment 2

Planning Act 2016 Extract on Appeal Rights

Part 1 Appeal rights

229 Appeals to tribunal or P&E Court

- (1) Schedule 1 states—
 - (a) matters that may be appealed to—
 - (i) either a tribunal or the P&E Court; or
 - (ii) only a tribunal; or
 - (iii) only the P&E Court; and
 - (b) the person—
 - (i) who may appeal a matter (the appellant); and
 - (ii) who is a respondent in an appeal of the matter; and
 - (iii) who is a co-respondent in an appeal of the matter; and
 - (iv) who may elect to be a co-respondent in an appeal of the matter.
- (2) An appellant may start an appeal within the appeal period.
- (3) The appeal period is—
 - (a) For an appeal by a building advisory agency—10 business days after a decision notice for the decision is given to the agency; or
 - (b) For an appeal against a deemed refusal—at any time after the deemed refusal happens; or
 - (c) for an appeal against a decision of the Minister, under chapter 7, part 4, to register premises or to renew the registration of premises—20 business days after a notice is published under section 269(3)(a) or (4); or
 - (d) for an appeal against an infrastructure charges notice—20 business days after the infrastructure charges notice is given to the person; or
 - (e) for an appeal about a deemed approval of a development application for which a decision notice has not been given—30 business days after the applicant gives the deemed approval notice to the assessment manager; or
 - (f) for any other appeal—20 business days after a notice of the decision for the matter, including an enforcement notice, is given to the person. Note— See the P&E Court Act for the court's power to extend the appeal period.
- (4) Each respondent and co-respondent for an appeal may be heard in the appeal.
- (5) If an appeal is only about a referral agency's response, the assessment manager may apply to the tribunal or P&E Court to withdraw from the appeal.
- (6) To remove any doubt, it is declared that an appeal against an infrastructure charges notice must not be about—
 - (a) the adopted charge itself; or
 - (b) for a decision about an offset or refund—
 - (i) the establishment cost of trunk infrastructure identified in a LGIP; or
 - (ii) The cost of infrastructure decided using the method included in the local government's charges resolution.

Attachment 3
Approved Drawings



22SP121319
NEW LOT AREA 10944.452m²

QUARRIE ROAD

QUARRIE ROAD

DUNN

CALLIDE STREET

28SP121319
REMAINDER OF LOT 8013.591m²
22SP121319
REMAINDER OF LOT
14729.794m²

STREET

Bariana Shire Council
PLANNING APPROVAL

31 AUG 2018
[Signature]

RAEDON STREET

PROPOSED NEW BOUNDARY
GENERAL AREA

12d Model
Scale 1:2000
Wed Nov 22 14:36:12 2017



Barlana Shire Council
PLANNING APPROVAL

31 AUG 2018

DUNN

22SP121319
NEW LOT AREA 10944.452m²

QUARRIE ROAD

QUARRIE ROAD

STREET

CALLIDE STREET

12.7 m

20.7 m

55.3 m

22SP121319
REMAINDER OF LOT
14729.794m²

23SP121319
REMAINDER OF LOT 8013.591m²

PROPOSED NEW BOUNDARY
GENERAL AREA

12d Model
Scale 1:1200
Wed Nov 22 14:45:35 2017

Attachment 4
Environmental Obligations

Environmental Obligations

SCHEDULE A – General

- A1 The *Environmental Protection Act 1994* places a general environmental duty on everyone. Activity that causes or is likely to cause environmental harm must not be carried out unless all reasonable and practicable measures are taken to prevent or minimise the harm. Anyone becoming aware of serious or material environmental harm being caused or threatened by an activity they are involved in, has a duty to report that harm.
- A2 It is an offence under the *Environmental Protection Act 1994* to cause environmental nuisance. Environmental nuisance includes unreasonable interference caused by noise, dust, fumes, odour, smoke, aerosols, particles or light.
- A3 All reasonable precautions must be taken to avoid or minimise nuisance to adjacent premises or other property during construction work on the site, to the satisfaction of Council. Such precautions are to be discussed and agreed to by Council prior to construction commencing and will form part of the Construction Site Management Plan.

SCHEDULE B - Noise

- B1 Activities must be managed such that noise emissions from the premises do not cause harm or nuisance to adjoining residents and comply with the requirements of the *Environmental Protection Act 1994* and *Environmental Protection (Noise) Policy 2008*.
- B2 Noise must not be emitted outside the hours specified below-

Noise Source	Allowable Hours
Building work <i>(Builders and owner-builders, including excavation. For home renovations or other uses refer to regulated devices)</i>	6:30am and 6:30pm Monday to Saturday, excluding public holidays.
Regulated devices <i>(eg mowers, power tools, compressors, leaf blowers, nail guns etc)</i>	7:00am to 7:00pm Monday to Saturday 8:00am to 7:00pm Sundays and public holidays
Amplifier devices <i>(other than indoor venues and open air events)</i>	7am to 10pm Business days 8am to 6pm Other days

- B3 All noise producing machinery and equipment (including air conditioners, compressors and cooling systems) are to be fitted with noise attenuation features so that noise at the boundary of the site does not exceed the levels indicated in the table below-

NOISE LIMITS AT A NOISE SENSITIVE PLACE	
<i>Period</i>	<i>Noise Level at a Noise Sensitive Place (ie a residence) Measured as the Adjusted Maximum Sound Pressure Level (L_{Amax adj, T})</i>
7 am – 10 pm	Background noise level plus 5 dB(A)
10 pm – 7 am	Background noise level plus 3 dB(A)
Sundays and Public Holidays	Background noise level plus 5 dB(A)
NOISE LIMITS AT A COMMERCIAL PLACE	
<i>Period</i>	<i>Noise Level at a Commercial Place measured as the Adjusted Maximum Sound Pressure Level (L_{Amax adj, T})</i>
7 am - 10 pm	Background noise level plus 10 dB(A)
10 pm - 7 am	Background noise level plus 8 dB(A)
Sundays and Public Holidays	Background noise level plus 8 dB(A)

SCHEDULE C – Air and Light

- C1 Air and light emissions must be appropriately managed to prevent environmental nuisance beyond the boundaries of the property during all stages of the development including earthworks and construction.
- C2 Suitable dust suppression should be used and/or screens or barriers should be erected, where required during excavation and building works, to reduce the emission of dust or other such emissions from the site.
- C3 All artificial illumination is to be designed and installed so as not to cause a nuisance to occupants of nearby premises and any passing traffic. Security and flood lighting is to be directed away from adjacent premises to minimise the protrusion of light outside the site.

SCHEDULE D – Water and Stormwater

- D1 It is an offence under the *Environmental Protection Act 1994* to discharge sand, silt, mud and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D2 During construction, stockpiles and areas of bare soil or earth that are likely to become eroded must be adequately protected – by upslope surface water diversion, downslope sediment fencing and/or temporary surface coverings.
- D3 It is an offence under the *Environmental Protection Act 1994* to discharge oils, chemicals, cement or concrete, paint, thinner, degreaser, rubbish and other such contaminants to a stormwater drain, roadside gutter or a water course.
- D4 Any spills of oils, paints, chemicals etc must be contained and cleaned up as soon as possible.

- D5 Concrete, paint or thinner waste must not be washed out near a drain, gutter or anywhere waste could end up in a water course – appropriate containment and disposal should be used rather than discharging to the ground.

SCHEDULE E – Waste Management

- E1 It is an offence under the *Waste Reduction and Recycling Act 2011* to leave litter behind or allow litter to blow from site. All waste must be appropriately contained on site prior to removal.
- E2 All waste should be collected by a licensed contractor and taken to an approved waste disposal facility by an approved transporter.
- E3 Trap Gully Landfill is the only approved waste facility within the Banana Shire for the disposal of commercial waste. No commercial waste is to be deposited at other Banana Shire landfills or transfer stations without prior written approval from Council.
- E4 It is an offence under the *Environmental Protection Regulation 2008* to fail to comply with signage or directions at a waste facility.
- E5 Any building repairs involving asbestos material must be undertaken in accordance with Workplace Health and Safety requirements.
- E6 Regulated waste (including asbestos) is only to be disposed of at Trap Gully Landfill and an application form must be completed and approved prior to disposal.
- E7 Council will not enter onto private property to service wheelie bins, any bins to be serviced by Council will be required to be placed at the kerbside for collection.

SCHEDULE F – Land

- F1 A landowner has an obligation to take reasonable steps to keep their land free of declared pests in accordance with the *Land Protection (Pest and Stock Route Management) Act 2002*. Consideration should be given to appropriate treating of declared pest plants, where necessary, in the construction and operational phases of the proposed development to meet the obligations under this Act.